

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

DEZIGN NA, LLC and JEREMY KEITH
RITTER,

Plaintiffs,

-v.-

SEAMLESS CAPITAL GROUP LLC,
UNITED FUND USA, LLC, LIBERTAS
FUNDING, LLC, CLOUDFUND LLC,
MEGED FUNDING GROUP CORP., and
JOHN and JANE DOE DEFENDANTS,

Defendants.

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22 Civ. 10098 (JHR)

ORDER

JENNIFER H. REARDEN, District Judge:

On December 29, 2022, Plaintiffs moved for a temporary restraining order and preliminary injunction as to Defendant Seamless Capital Group LLC (“Seamless”). ECF No. 6. Plaintiffs’ motion was scheduled to be heard on January 5, 2023. ECF No. 9. On January 5, 2023, the hearing on the temporary restraining order was adjourned to January 17, 2023, at the request of the parties, on the basis that they were negotiating a resolution that “would not only obviate the need for a show cause hearing/TRO but would also resolve the substantive claims between these parties.” ECF No. 17. On January 9, 2023, Defendant Meged Funding Group Corp. (“Meged”) moved to compel Plaintiffs to arbitrate and to stay the action as to that Defendant. ECF No. 18.

On January 13, 2023, this case was reassigned to this Court, and all previously scheduled conferences were adjourned. ECF No. 21. On that date, the Court ordered Plaintiffs and Seamless to file a joint letter by January 20, 2023, updating the Court on the status of the parties’ settlement negotiations. *Id.* The Court also ordered Plaintiffs to file by January 27, 2023, any opposition to Meged’s motion to compel arbitration and to stay the action as to that Defendant. *Id.* To date, the Court has not received any update from Plaintiffs and Seamless on the parties’ settlement negotiations, nor have Plaintiffs filed an opposition to Meged’s motion.

If Plaintiffs do not file a stipulation of discontinuance, voluntary dismissal, or other appropriate proof of termination as to Seamless by **April 19, 2023**, Seamless shall respond to the Complaint. By that date, Plaintiffs shall also file a letter informing the Court whether they seek to withdraw their motion for a temporary restraining order. In addition, unless Plaintiffs file by April 19, 2023, a letter-motion demonstrating good cause for their failure to timely respond to

Meged's motion to stay and compel arbitration, along with a proposed response to that motion, the motion will be treated as fully submitted as of January 27, 2023.

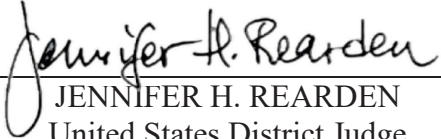
Further, although the Complaint was filed on November 29, 2022, *see* ECF No. 1, the docket does not reflect that the Complaint was ever served on Defendants United Fund USA, LLC, Libertas Funding, LLC, or Cloudfund LLC. Accordingly, it is hereby ORDERED that, by **April 12, 2023**, Plaintiffs file a letter explaining why they failed to serve the summons and Complaint within the 90 days prescribed by Rule 4(m) of the Federal Rules of Civil Procedure, or, if Plaintiffs believe that Defendants have been served, describing when and in what manner such service was made.

If the Court does not receive any communication from Plaintiffs by **April 12, 2023**, showing good cause why such service was not made within the 90 days, the Court may dismiss the claims against Defendants United Fund USA, LLC, Libertas Funding, LLC, and Cloudfund LLC without further notice.

Plaintiffs are directed to notify attorneys for Defendants United Fund USA, LLC, Libertas Funding, LLC, and Cloudfund LLC by serving upon each of them a copy of this Order. If Plaintiffs are unaware of the identity of counsel for any Defendant, Plaintiffs must forthwith send a copy of this Order to that party personally. Proof that Plaintiffs provided such notice must be filed on ECF by **one week of the date of this Order**.

SO ORDERED.

Dated: March 31, 2023
New York, New York


JENNIFER H. REARDEN
United States District Judge